

From: Joe Fessler
To: Microsoft ATR
Date: 1/23/02 7:44pm
Subject: Microsoft Settlement

I would like to take this opportunity to express the disfavor with which I hold the current tentative remedy for the Microsoft antitrust case. In my opinion, the major flaw in the agreement involves the rather vague description/definition of various terms and concepts. An example is "middleware". It must be kept in mind that many if not all of the technical terms used in the "PFJ" can and will be reinterpreted/redefined as technology advances. Not to mention the tendency to use those ambiguities to circumvent the intentions of the agreement. Many times metaphors are used as convenient tools to explain technical aspects to the non technically inclined. If metaphors are codified into an agreement, so are the opportunities to exploit situations where the metaphor breaks down.

Please be warned; references to seemingly concrete things are often not so concrete. The example of "middleware" above, is but one of many references to something that may only exist when viewed from a very specific viewpoint. One man's application is another man's operating system component, databases become middleware, middleware becomes OS services and the lines between layers of OS's, applications, and networking are arbitrary in many cases. It's very easy to turn the whole interpretation upside-down if it's in someone's best interest to do so.

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Regards,

-Joe